

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GARRETT SMITH,

Petitioner,

v.

SANDRA ALDRIDGE, et al.,

Respondents.

CASE NO. C18-5191 RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER is before the Court on magistrate Judge Creatura's Report and Recommendation [Dkt. # 4], recommending that this Court dismiss Smith's Petition without leave to amend. The Court has reviewed Smith's objections to the R&R. For the reasons outlined in the R&R, the Court ORDERS:

The Report and Recommendation is ADOPTED;

Smith's Petition in this matter [Dkt. # 1] necessarily implicates the validity of his underlying conviction, and it is DISMISSED without leave to amend;

The petition is duplicative and facially frivolous and it fails to state a claim. It is DEEMED a "strike" for future *in forma pauperis* applications, under 28 U.S.C. § 1915(g).

1 The Motion for Magistrate Judge Creatura's recusal in this now-closed case is DENIED
2 as moot.

3 IT IS SO ORDERED.

4 Dated this 22nd day of May, 2018.

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7 Ronald B. Leighton
8 United States District Judge
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